



WEB COPY



W.P.No.6848 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.6848 of 2011

M.P.No.1 of 2011

Manoharan

... Petitioner

Vs

The Superintending Engineer,
TWAD Board,
Coimbatore Nilgiris Circle,
26, Corporation Shopping Complex,
Avinashi Road,
Coimbatore – 641 018.

... Respondent

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in Ka.No.E3/251c/04, dated 11.10.2004, of the respondent, to quash the same and direct the respondent to conduct proper enquiry as per law.

For Petitioner : Mr.C.Deivasigamani

For Respondents : No Appearance

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ORDER

The Writ Petition had been filed seeking to quash the order of the respondent insofar as the order passed on an enquiry made on the complaint against the petitioner and to conduct further proper enquiry.

2.Heard Mr.C.Deivasigamani, learned counsel appearing for the petitioner and there is no representation on the side of the respondent Board.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a retired Lab Attender of the TWAD Board and he had made various complaints about illegal activities that had taken place in the office of the respondent. The respondent by proceedings dated 11.10.2004, had issued a report as if no such illegalities had taken place. The petitioner by his representation dated 31.12.2010, had reiterated the complaint by naming the respective individuals who have been responsible for the illegalities. In spite of it, no action had been initiated and therefore, he had approached this Court by way of Writ

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Petition.

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4. The prayer sought for in the Writ Petition is primarily to seek an investigation into certain alleged illegalities and take action against certain individuals working in the Department. The respondent herein on the complaint of the petitioner had in fact appointed an enquiry officer who had also submitted his report, only on the basis of the said report, he had passed a detailed order holding that there was no illegalities committed as alleged by the petitioner. Such order was passed as early as in the year 2004. The petitioner had kept quiet for almost six years and thereafter had sent a representation only in the year 2010. This itself would show that the petitioner is not diligent enough in seeking to rectify the illegalities. Further, the respondent herein pursuant to the complaint that had been received from the petitioner, had directed an enquiry to be conducted and based upon the enquiry he had opined that no further proceedings need to be made, as there was no illegalities found.

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5.In such view of the matter, the petitioner has no right to seek disciplinary proceedings against his co-worker, it is for the employer to take action against the employee and in this case, the employer has found that there was no illegalities committed by any of the employees.

6. In view of the above, this Writ Petition is without any merits and is liable to be dismissed and accordingly the same is dismissed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Pbn

Index : Yes/No

Speaking order : Yes/No

Neutral Citations : Yes/No

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K.KUMARESH BABU,J.

pbn

To
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